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November 29, 2005

**Via Overnight Mail and ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

**Re: WSIL-DT, Harrisburg, IL  
MB Docket No. 05-317  
TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST**

Dear Ms. Dortch:

On behalf of WSIL-TV, Inc. ("WSIL"), the permittee of Digital Television Station WSIL-DT, Harrisburg, IL, this letter requests a waiver to prohibit satellite subscribers from obtaining signal tests of WSIL-DT's digital signal pursuant to Section 339(a)(2)(D)(vii) of the Communications Act, as amended by the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA"). The instant request is filed pursuant to the procedures set forth in the Commission's Public Notice in DA 05-2979 (Nov. 17, 2005).

WSIL-DT is the ABC affiliate located in the Paducah-Cape Girardeau-Harrisburg Designated Market Area ("DMA"). The Paducah-Cape Girardeau-Harrisburg DMA is ranked 80th among Nielsen Media's 210 television markets for the 2005-2006 television season. WSIL-DT has received

a tentative digital channel designation of Channel 34, which is WSIL-DT's allotted digital channel. *See* Public Notice, DA 05-2649 (Oct. 4, 2005). Accordingly, absent grant of the instant waiver request, effective April 30, 2006, satellite subscribers may request a signal test to demonstrate eligibility under SHVERA to receive a distant digital signal of a station affiliated with the same network as WSIL-DT.

Pursuant to **Section 339(a)(2)(D)(viii)(IV)** of the Act, WSIL requests a waiver on the basis that WSIL-DT "experiences a substantial decrease in its digital signal coverage due to necessity of using [a] side-mounted antenna."

As certified in its Form 381 filing (FCC File No. BCERCT-20041105AIH), WSIL-DT intends to operate its post-transition DTV station based on its maximized facilities as authorized by its construction permit in FCC File No. BPCDT-19991019ABM. WSIL-DT is currently operating its DTV facility at maximum permissible power from a lower HAAT with a side-mounted antenna as authorized by Special Temporary Authority ("STA") in FCC File No. BDSTA-20020905ABU. As previously explained to the Commission in WSIL-DT's request for waiver of the maximization deadline filed on July 1, 2005, it is physically impossible for WSIL to construct its DTV top-mount maximized facility until its top-mount NTSC antenna is removed at the end of the DTV transition.

While WSIL-DT is currently operating its DTV facility at maximum permissible power from the HAAT and side-mounted antenna authorized in its STA, the present operation results in a substantial decrease in its digital signal coverage area compared to its future maximized facility. As previously submitted to the Commission, WSIL-DT's present STA operation is predicted to provide service to 657,433 people, while its future operation is predicted to provide service to 688,167 people. *See* WSIL Supplement to Maximization Waiver Request, Engineering Statement, MB Docket No. 03-15 (July 1, 2005).

Thus, absent grant of the instant waiver request to prevent signal testing under SHVERA, WSIL-DT is in jeopardy of losing service to 30,734 people who may otherwise be eligible to receive service from a distant network affiliate.

Furthermore, were WSIL-DT to proceed with construction of its maximized facility before the end of the DTV transition, WSIL would have to expend considerable resources to move its NTSC antenna to a lower level on the tower to make room for its DTV antenna. These costs, which would include the cost of purchasing an NTSC side-mount antenna, installation, and reworking the transmission line, would be "sunk costs" in equipment and labor that will only be useful until the DTV transition is complete. In addition, completion of WSIL-DT's maximization facility before the end of the DTV transition would require WSIL to lower WSIL's NTSC antenna, resulting in a loss of NTSC service to approximately 57,000 people. *See id.*

Accordingly, because WSIL-DT experiences a substantial decrease of 30,734 people in its

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digital signal coverage area due to the present side-mount installation of its DTV antenna and because construction of its maximized facility prior to the end of the DTV transition would result in a substantial loss of NTSC service, WSIL-DT satisfies the waiver criterion of Section 339(a)(2)(D)(viii)(IV) of the Act.

For the reasons stated herein, WSIL requests a waiver to prohibit digital signal testing under SHVERA. If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.

A handwritten signature in dark ink, appearing to read "David Kushner", with a long horizontal flourish extending to the right.

David Kushner  
Coe W. Ramsey  
*Counsel to WSIL-TV, Inc.*

cc: Via Hand-Delivery  
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Federal Communications Commission  
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